United Nations A/56/63–E/2001/21

General Assembly
Economic and Social Council

Distr.: General
12 April 2001

Original: English

General Assembly
Fifty-sixth session
Item 12 of the preliminary list*
Report of the Economic and Social Council

Economic and Social Council
Substantive session of 2001
2-27 July 2001
Items 2 and 13 (k) of the provisional agenda**
The role of the United Nations system in supporting the efforts of African countries to achieve sustainable development
Economic and environmental questions: public administration and development

Letter dated 11 April 2001 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the texts of the Windhoek Declaration (annex I) and the Charter for the Public Service in Africa (annex II) adopted at the Third Biennial Pan-African Conference of Ministers of the Civil Service, held in Windhoek, Republic of Namibia, on 5 and 6 February 2001.***

I should be grateful if you would have the present letter and its annexes circulated as a document of the fifty-sixth session of the General Assembly, under item 12 of the preliminary list, and of the Economic and Social Council, under items 2 and 13 (k) of the provisional agenda for the substantive session of 2001.

(*Signed*) Martin **Andjaba**
Ambassador and Permanent Representative

* A/56/50.
** E/2001/100.
*** The annexes are being circulated in the languages of submission only (English and French).

01-34233 (E) 250401

Annex I to the letter dated 11 April 2001 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General

Windhoek Declaration

We, African Public Service Ministers, meeting on the occasion of the Third Pan-African Conference of Public Service Ministers, held at Windhoek, Namibia, on 5-6 February 2001,

Recalling resolution 50/225 of the United Nations General Assembly on "Public Administration and Development" adopted at its Resumed 50th Session,

Reaffirming the need to strengthen national public administrations in order to promote social and economic development and to meet the challenges of globalization through access to modern information technology,

Recalling the recommendation of the Rabat Declaration on the elaboration of a Charter for the Public Service in Africa, which affirms the professional values of the public service in Africa, redefines its objectives and missions and specifies the fundamental conditions required for strengthening its role, competence, ethical values and image, including a code of conduct for African public service employees,

Having considered and amended the draft of the Charter elaborated by the Working Group established by the 2nd Pan-African Conference supported by CAFRAD and UNDESA,

1. Adopt unanimously the Charter for the Public Service in Africa which:

   - Defines a framework to guide the public services in Africa in taking such legislative, regulatory, technical and practical measures as may be required to create propitious conditions for the proper functioning of the public service and improve the quality of its services;

   - States and defines the principles and rules of conduct for public service and State employees, who shall foster a neutral and stable environment conducive to the strengthening of ethical values and the image of the public service, as well as the professionalism of its employees;

   - Expresses the will of African States and underscores their political and moral commitment to improve the services provided to citizens and ensure the efficient use of the resources allocated for such services;

2. Request the Chairman of the Conference to submit the text of the Charter to the 56th session of the United Nations General Assembly, which will review the implementation of resolution 50/225;

3. Commit to establish and/or strengthen at the national level mechanisms for the implementation and dissemination of the Charter by involving the highest levels of Government and ensuring the wide participation of all stakeholders in order to ensure respect for the principles, values and rules defined in the Charter;

4. Request CAFRAD, in cooperation with African regional and sub-regional institutions and groupings, to develop strategies, plans, tools and monitoring mechanisms to assist the African countries in the implementation of the Charter;

5. Request UNDESA in cooperation with ECA to assist the national and regional efforts by providing advisory services and appropriate tools, such as training modules and materials, audio-visual instruments and methodologies, and make available, and if necessary expand, the United Nations Public Administration Network (UNPAN), its facilities and connectivity for the implementation of the Charter;

6. Reaffirm the crucial role played by the national public administration schools and institutes and the need to develop and strengthen their ability to prepare the public servants of the future to deal with the challenges of globalization;

7. Request the sub-regional, regional and international institutions in public administration to pool and coordinate their efforts in order to support the national institutes;

8. Request UNDESA in cooperation with CAFRAD and other organizations to support the emergency training needs in public administration through the utilization of ICT and distance learning technologies;

9. Request UNDESA to exercise its good offices to seek appropriate resources from international institutions and bilateral donors to support the efforts for the implementation of the Charter for the Public Service in Africa and for new capacity-building needs of African countries in the face of globalization;

10. Express profound gratitude to the Government and people of Namibia for their warm reception and their effort to host and facilitated this historic Conference.

Annex II to the letter dated 11 April 2001 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General

Charter for the Public Service in Africa

Adopted by the Third Biennial Pan-African Conference of Ministers of Civil Service

Windhoek, Namibia
5 February 2001

Preamble

We, African Public Service Ministers, meeting on the occasion of the Third Pan-African Conference of Public Service Ministers, held at Windhoek, Namibia, on 5-6 February 2001,

Reaffirming the political commitment made by African Public Service Ministers at the Second Pan-African Conference held at Rabat from 13-15 December 1998, to enhance professionalism and ethics in the public service in Africa, in close collaboration with their colleagues from the other ministries;

Recalling the recommendation of the Rabat Declaration on the elaboration of a Charter for the Public Service in Africa, which affirms the professional values of the public service in Africa, redefines its objectives and missions and specifies the fundamental conditions required for strengthening its role, competence, ethical values and image, including a code of conduct for African public service employees;

Considering the mandate given to the Chairperson of the Second Conference to set up, with some of the Conference participants, a working group with the backing of the African Training and Research Centre in Administration for Development (CAFRAD) and the Department of Economic and Social Affairs (DESA) of the United Nations, to elaborate a draft Charter for the Public Service in Africa;

Considering the need to adapt the different public services in Africa to the new requirements of public service, so as to be able to anticipate or accompany the profound changes that African countries are experiencing and take into account the prevailing socio-economic conditions, including:

- Modernizing administrative structures by mastering the new communication technologies, allowing to transform historically and politically motivated functions into sound business-like operations;

- Adapting to the increasing globalization of the economy and creating an enabling environment for private sector growth;

- Ensuring not only the economic growth and the strengthening of basic infrastructure but also promoting social development and striving to reduce the growing disparities in income and opportunities in order to foster social solidarity;

Considering that public services must be able to discharge, in optimum conditions of equity and effectiveness, their vital mission of safeguarding the fundamental values of the public service, protecting the public interest and promoting human and sustainable economic and social development;

Considering that, in order to preserve their legitimacy, public services must adapt to and respond in a sustainable, quality-conscious and efficient manner to the needs of users by placing them at the centre of their concerns, while ensuring transparency and respect for human rights and democracy;

Adopt the present Charter for the Public Service in Africa which:

- Defines a framework to guide the public services in Africa in taking such legislative, regulatory, technical and practical measures as may be required to create propitious conditions for the proper functioning of the public service and improve the quality of its services;

- States and defines the principles and rules of conduct for public services and State employees, who shall foster a neutral and stable environment conducive to the strengthening of ethical values and the image of the public service, as well as the professionalism of its employees;

- Expresses the will of African States and underscores their political and moral commitment to streamline the services provided to citizens and ensure the efficient use of the resources allocated for such services;

- Encourages South-South exchanges of experiences and information and horizontal cooperation.

This Charter shall be structured as follows:

1. General provisions relating to the duties and role of the public service designed to restore and/or enhance its image, credibility and legitimacy;

2. Provisions relating to the conduct of public service employees in the exercise of their duties;

3. Provisions relating to legislation, organs and mechanisms, as well as monitoring and follow-up tools.

TITLE I—GENERAL PROVISIONS

PART I—PURPOSE AND SCOPE

Article 1: Purpose

The Charter for the Public Service in Africa shall:

- Define the principles and general rules governing African public services with respect to transparency, professionalism and ethical standards;
- Give concrete expression to the commitment of African States to promote such values in the public service;
- Serve as a policy framework for the public service administrations of all African countries and a source of inspiration for the development, strengthening or updating of national codes of conduct.

Article 2: Scope

The provisions for the present Charter shall apply to public services and to public service employees as defined in article 3 below.

Article 3: Definitions

For the purposes of the present Charter, the following definitions shall apply:

"Administration": any public entity that implements government policies and takes decisions that affect the rights of other persons or entities, be they individuals or not, and/or has a public service responsibility;

"Person concerned": any legal person or individual who may be directly or indirectly affected and concerned by a decision emanating from the public service;

"User": an individual or legal person using the services of a public service and benefitting from them;

"Competent authority": the Minister or administrative authority of the State or of the public service body which is authorized to take an administrative decision;

"Public Service employee": a person in public employment given the responsibility for taking, implementing or enforcing a decision within the meaning of the preceding paragraph;

"Ethics": the standards which guide the behaviour and actions of personnel in public institutions and which may be referred to as moral laws;

"Conduct": the behaviour, attitude and activities of public service employees both within and outside their working environment.

PART II—FUNDAMENTAL PRINCIPLES OF THE PUBLIC SERVICE

All African countries that are signatories to this Charter, the administration shall respect the fundamental, universal principles of the public service. This implies that legal provisions exist, that they are well known, comprehensible and accessible.

Article 4: Principle of equality of treatment

All public services shall recognize the equality of citizens before the law.

Persons in a comparable situation vis-à-vis the administration shall be treated equally without any distinctions whatsoever.

Any discrimination based on the place of origin, race, gender, religion, ethnic group, philosophical or political convictions or other personal considerations shall be prohibited.

Moreover, measures taken by the public service shall be proportional to what is required to achieve the goal of safeguarding the interests of the public at large, so as not to unduly affect the interests of other parties.

Article 5: Principle of neutrality

The public service that serves the interest of the public shall not discriminate against its employees because of their personal traits. The public service as a whole remains neutral in respect to the government of the day and this fundamental principle will be respected by all administrations.

Article 6: Principle of legality

Public service shall be provided in strict compliance with the law.

Administrative decisions shall be taken in conformity with existing regulations.

Article 7: Principle of continuity

Public service shall be provided on an ongoing basis and in all its component parts, in accordance with the rules governing its operation.

Failure to comply with the principle of continuity may incur the liability of the administration in respect of any person who might have suffered harm on account of such failure.

In this connection, the right to strike shall be exercised within the bounds of respect for the rule of law and the principle of continuity and in respect of those services the interruption of which endangers the life, personal safety or health of the whole or any part of the population.

PART III—RULES GOVERNING RELATIONS BETWEEN THE PUBLIC SERVICE AND THE USERS

The public service shall serve users in accordance with the following criteria: proximity and accessibility of services; participation, consultation and mediation; quality, effectiveness and efficiency; evaluation of services; transparency and information; speed and responsiveness; reliability and confidentiality of information.

Article 8: Proximity and accessibility of services

The public service shall be organized along functional and decentralized lines designed to bring public management closer to the people and provide them with appropriate and accessible basic services.

Physical proximity and accessibility can be achieved by the application of appropriate information and communication technologies (e-governance).

Article 9: Participation, consultation and mediation

It shall be the responsibility of the administration to ensure that the mechanisms of participation and consultation involving civil society and other stakeholders are effectively put in place through consultative forums or advisory bodies.

When provision is made in the texts for consultation, the public service may not introduce in its definitive texts, any provision that shall not have been submitted beforehand to the relevant advisory body for its opinion.

To avoid conflict of interest no individual who has a direct or indirect vested private interest in the subject matter of any consultation may be a member of an advisory body or take part in its deliberations.

It shall be the responsibility of the public service to put in place a system of mediation through an institution that has sufficient moral and social authority that enables users as well as public service employees themselves to have means of redress other than administrative and/or legal remedies. The mandate of this institution would thus be to ensure that the rights of users and public service employees are upheld for the benefit of all parties concerned.

Article 10: Quality, effectiveness and efficiency

The public service shall ensure that the highest quality and the most effective and efficient services are provided by making optimal use of the resources at its disposal. It shall also take into account the resources and means that users have available to them to benefit from public services.

The public service shall make the necessary adjustments to the way in which its services are organized and operated, in order to respond, on a sustainable basis, to changing needs and the demands of the public at large. These adjustments must lead to better service delivery and must be informed by best practices in the application of the information and communication technologies.

Article 11: Evaluation of services

The evaluation of the effectiveness and productivity of services shall be based on objectives and programmes of activities defined beforehand, accompanied by performance indicators and criteria.

To this end, evaluation mechanisms shall be established in the public service to carry out periodic evaluations of the services offered to the public.

The results of these evaluations shall be disseminated, together with the publication of the annual reports.

Article 12: Transparency and information

Administrative decisions shall always be taken in accordance with transparent, simple and understandable procedures, while ensuring accountability.

All administrative units shall make available all the necessary information on acts and procedures in their respective domains, as well as the information required to assess their management, with a view to enabling those interested to have full access.

The administration shall inform the person concerned of any decision taken concerning him/her, indicating the reasons for such decision and stating, where necessary, the legal remedies open to him/her, should he/she decide to challenge the decision.

The administration shall establish or strengthen reception and information units for users in order to assist them in gaining access to services and in recording their views, suggestions or complaints.

Article 13: Speed and responsiveness

The public service shall determine and respect deadlines in the delivery of its services. These deadlines must be established by law and regulations and evidence of unusually long delays, may make the administration liable to legal action.

Failure by the public service to take action upon the expiration of a deadline as stipulated in the law shall be construed as tacit acceptance, unless otherwise expressly provided by the law or regulations.

Article 14: Reliability and confidentiality of information concerning citizens

Personal information or information that helps to identify, in any manner whatsoever, directly or indirectly, the individuals concerned, may not be subject to processing, including computerized processing, in a manner that would violate personal privacy, individual freedoms or human rights.

Any person who can prove his/her identity shall have the right to be informed about any personal information concerning him/her, and to challenge and have such information corrected, if need be. He/she shall also be informed of the use to which such information is put, including in computerized information.

With the exception of administrative departments such as the police and the judiciary, which may be authorized by law to maintain automated personal data files, no files shall contain information on the private life, views, health or individuals, or on any other type of information that may violate the privacy of individuals, without the express authorization of the individuals concerned. Departments must however take cognizance of the complexity of privacy and disclosure in the event of an individual, where a balance has to be found between privacy and public interest. (i.e. HIV/AIDS).

PART IV—RELATIONS BETWEEN THE PUBLIC SERVICE AND PUBLIC SERVICE EMPLOYEES

The relations between the public service administration and its employees shall be based on professional merit and respect for human rights.

The administration shall see to the career development prospects of public service employees while ensuring the development of human resources and their self-fulfillment.

Article 15: Recruitment and promotion

Public service employees shall be recruited, appointed and promoted on the basis of their competence and professional skills and in accordance with transparent and objective procedures that guarantee equal opportunities for all, women, disabled and particularly disadvantaged groups.

Article 16: Mobility and redeployment

Deployment and redeployment of staff shall take due account of the exigencies of the service and as far as possible will respond to the aspirations of public service employees for a satisfactory and rewarding career development.

Article 17: Staff training and development

Considering that public service employees are entitled to training and development, the public service administration shall provide an enabling environment and the necessary resources for enhancing and adapting, on an ongoing basis, their knowledge and skills, including through allowing them to specialize and become versatile.

Article 18: Motivation

The organization and functioning of the public service administration, as well as the management style and quality of management of managers, shall address the aspirations of public service employees for self-fulfillment and develop in them leadership capabilities, responsibility and a sense of initiative.

The public service administration shall foster dialogue between subordinates and management, not only with regard to improving working conditions, but also to prospective reforms.

Article 19: Remuneration

Public service employees shall be entitled, within the framework of an improved, motivational, coherent and harmonized system, to fair remuneration that is commensurate with their responsibilities and performance and enables them to live in dignity.

Article 20: Physical safety, working conditions and security of tenure

The administration shall guarantee minimum standards of health, security and safety in the workplace.

The administration shall grant public service employees immunity from prosecution in the performance of their duties which is within the purview of the law.

With the exception of the disciplinary measures provided for by law, public service employees may not be subject to any measures that may affect their dignity and tarnish their honour.

TITLE II—CODE OF CONDUCT OF PUBLIC SERVICE EMPLOYEES

PART I—FUNDAMENTAL VALUES OF THE PUBLIC SERVICE EMPLOYEE

The fundamental values of a public service employee shall be based on public service rooted in professionalism and ethics.

Article 21: Professionalism

Professionalism resides in how skillfully and how well a public service employee performs his/her functions and duties.

Professionalism manifests itself in the public service employee's behaviour at work and in his/her constant effort to improve, reinforce and update his/her knowledge, refine the skills that are necessary for carrying out his/her tasks and enhancing his/her output and productivity.

Article 22: Ethics

Ethics shall mean a sound culture based on ethical values and principles.

A public service employee shall ensure compliance with the principles of law and the implementation of judicial decisions.

A public service employee shall perform his/her duties properly and efficiently and display professional discipline, dignity, integrity, equity, impartiality, fairness, public-spiritedness and courtesy in the discharge of his/her functions, notably in his/her relations with his/her superiors, colleagues and subordinates, as well as with the public.

The public service employee shall ensure at all times that public property under his/her responsibility, is managed in the most appropriate and efficient manner.

PART II—RULES OF CONDUCT FOR PUBLIC SERVICE EMPLOYEES

The rules of conduct for public service employees shall be part of an integrated anti-corruption system.

A public service employee's conduct shall be deemed to be appropriate when he/she behaves in a manner that enhances public confidence and boosts the image of the public service.

Article 23: Integrity and moral rectitude

Public service employees shall refrain from any activity that is inconsistent with ethics and morality, such as misappropriation of public funds, favouritism, nepotism, discrimination, influence-peddling or administrative indiscretion.

Public service employees shall not solicit, accept, demand or receive, directly or indirectly, any payment, gift or other advantage in kind, in return for performing or refraining from performing their functions or obligations.

It shall be reprehensible for public service employees to offer gifts or other advantages that might influence in their favour or in favour of family members and friends, the judgement or decisions of another person.

Public service employees shall under no circumstances use public property or prevail upon subordinates to perform activities other than those falling within the scope of their functions or mandate.

Article 24: Conflict of interest

Public service employees shall not take up functions or positions, engage in transactions or have any financial, commercial or material interests that might be incompatible with their functions, responsibilities or duties.

Without prejudice to the incompatible activities already laid down in the law or regulations, public service employees shall, to the extent required by their official position, declare any financial and commercial interests they might have or any profit-making activities they may be engaged in, either directly or through family members, if such interests or activities are likely to give rise to conflicts of interest.

In the event of any potential or actual conflict of interest between their professional status and private interest, public service employees shall terminate activities likely to give rise to such a conflict.

Upon leaving office, and for such period of time as may be stipulated by law or by the relevant regulations, public service employees appointed to certain positions of responsibility and trust shall not take undue advantage of positions previously held, by accepting remunerated employment that is related to their previous functions.

Article 25: Declaration of assets or illicit enrichment

In order to ensure the monitoring of any excessive accumulation of wealth, public service employees appointed to certain positions of responsibility specified by law shall, upon taking and leaving office, declare their assets as well as those of members of their family.

In any case, and for all categories of public service employees, legal provisions and regulations shall be put into place to identify and punish the illicit enrichment.

Article 26: Political neutrality and duty of confidentiality

A public service employee shall not use his/her post, function or responsibilities for political or partisan purposes, which may be detrimental to the interests of the public service.

Public service employees shall respect the confidentiality of official information to which they are privy by virtue of their professional activities, even after leaving office, except where the law, the legitimate authority or the interest of justice require otherwise.

Public service employees shall not, on the basis of their political affiliation or their own ideological beliefs, seek to influence or change the policies, decisions or actions that the administration has decided to define, adopt or implement.

PART III—IMPLEMENTATION MODALITIES

Article 27: Implementation of sensitization and training programmes

Member States shall undertake sensitization and training programmes for public service employees in the area of professional ethics and take the appropriate practical steps to inform the public.

Article 28: Establishment of national monitoring bodies

Member States shall implement the legislative and regulatory measures necessary for establishing monitoring bodies and committees for ensuring compliance with the standards of conduct defined herewith and punishing inappropriate behaviour.

TITLE III—FINAL PROVISION

Article 29: Establishment of a follow-up mechanism

In order to ensure respect for the principles, values and rules defined above, a mechanism to monitor the implementation of the present Charter is required.

United Nations A/56/64–S/2001/431

General Assembly
Security Council

Distr.: General
1 May 2001

Original: English

General Assembly
Fifty-sixth session
Item 30 of the preliminary list*
Cooperation between the United Nations and the Organization for Security and Cooperation in Europe

Security Council
Fifty-sixth year

Letter dated 30 April 2001 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a letter dated 30 April 2001 and its annexes from the Minister for Foreign Affairs of Nagorny Karabakh, Ms. Naira Melkounian, addressed to you.

I should be grateful if you would have the text of the present letter and its annexes circulated as a document of the fifty-sixth session of the General Assembly, under item 30 of the preliminary list, and of the Security Council.

(*Signed*) Movses **Abelian**
Ambassador
Permanent Representative

* A/56/50.

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Annex I to the letter dated 30 April 2001 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

[Original: Russian]

In connection with the recent circulation as a document of the United Nations General Assembly and Security Council of the text of the statement made by the President of Azerbaijan at the negotiations on a Karabakh settlement held in Key West on 3 April 2001 presenting the Azerbaijani version of the history and prehistory of the Nagorny Karabakh conflict, I believe that it is necessary to state the following. The authorities of the Republic of Nagorny Karabakh have always sought to refrain from discussing the problems of the past in the belief that this is unproductive as far as the search for a solution to the Karabakh problem is concerned and that the sides should concentrate their efforts, first and foremost, on building a peaceful and stable future for the region. Although it is, of course, undeniable that the current state of the Caucasus is weighed down, in many respects, by the heavy historical legacy resulting from the region's having been for centuries a geopolitical crossroads where the interests of various powers — Persian, Ottoman, Russian, Soviet — clashed.

However, it must regrettably be noted that our opponents are adhering to entirely the opposite position, waging an ever more active propaganda campaign and provoking us into sterile polemics. A fresh example of this is the aforementioned statement made by the President of Azerbaijan in Key West, in which he essentially reaffirmed the policy formulated by him back at the beginning of 1999: "We must continue in the future to create such works so that they will demonstrate invariably and consistently that the lands where Armenia is now situated belong to Azerbaijan. We must do this. We must open up the way for future generations" (*Bakinsky rabochy*, 11 February 1999).

This official State strategy of Azerbaijan was also reflected in the aforementioned statement by Heydar Aliyev, fully confirming our fears. In order to prevent in future the one-sided interpretation of the events of the past, which is fraught with negative consequences for the future of the south Caucasus, and to establish an objective historical basis for searching for a settlement to the conflict, we consider it necessary to submit a memorandum setting forth the indisputable scientific facts concerning the history of the region alongside their Azerbaijani interpretation. We should be extremely grateful if this memorandum were circulated as an official document of the United Nations General Assembly and Security Council.

(*Signed*) Naira **Melkounian**

Annex II to the letter dated 30 April 2001 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

[Original: Russian]

Memorandum

Armenians and Azerbaijanis in Transcaucasia

Azerbaijan's version

The Armenian community arrived recently in Transcaucasia, Armenians appeared in the region in the nineteenth century. "Following the signing between Russia and Iran of the Giulistan and Turkmenchai peace treaties, mass settlement by Armenians began in the historically Azerbaijani lands, and a policy aimed at creating an Armenian State was pursued in the south Caucasus. Simultaneously, a process of banishing and deporting Azerbaijanis from lands that had been theirs since time immemorial was implemented".[1] The Chairman of the Milli Mejlis, Aleskerov, said that "the genocide of Azerbaijanis has been under way since the beginning of the nineteenth century, since the time of the signing between Russia and Iran of the Treaties of Giulistan and Turkmenchai, since the time of the migration of Armenians from Iran and other countries of the Near East to Azerbaijan, in particular, Karabakh, Erevan and Nakhichevan".[2]

The facts

According to the testimony of the classical authors Herodotus (fifth century BC), Strabo (first century BC) and others, the north-eastern border of Armenia was the river Kura. Nagorny Karabakh was part of the tenth province of Armenia, Artsakha. The creator of the Armenian written language, Mesrop Mashtots, founded the first school in Armenia with instruction based on the new Armenian alphabet (in 405) in the Amaras Monastery in the Martuni district of Nagorny Karabakh.

Another fact refuting Azerbaijan's fantasies that the Armenian community appeared in the region only in the nineteenth century is the correspondence of the Armenian princes of Karabakh over the course of many years with the Russian court and certain European powers, which began in the first quarter of the eighteenth century and has been preserved in document form.[3] During the period of Persian rule, in order to develop handicrafts in Iran, many Karabakh craftsmen were sent, along with their families, to various regions of Iran. After the annexation of Armenia and Karabakh to Russia, they began to return to their homeland.

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[1] Address by the President of Azerbaijan, Heydar Aliyev, to the Azerbaijani people, *Bakinsky rabochy*, 30 March 2000, p. 1.

[2] Presentation in the Milli Mejlis of the book *Tragicheskie stranitsy nashei istorii: genotsid*, 1 April 2001.

[3] See Russian Foreign Policy Archives, Ministry of Foreign Affairs of the Russian Federation, fnd.100, Cent. Asia, 1739, d.2, sh.62; fnd.100, Cent. Asia, 1724, d.4, sh.17; fnd.100, Cent. Asia, 1724, d.4, sh.16; Central State Archives of Ancient Documents, fnd. Office of Peter the Great, sect. II, bk.66, sh.541-541; fnd. Office of Peter the Great, sect.II, bk.66, sh.520; S. A. Mamedov, *Istoricheskie svyazi azerbaidjanskogo i armyanskogo naroda (vtoraya polovina XVII v. i pervaya tret XVIII v.)*, Baku, 1977, pp. 216-239.

Information regarding this is also to be found in the writings of Azerbaijani historians.[4] The famous Russian writer and public figure, Russia's ambassador to Persia, A. S. Griboedov, perished because of the assistance that he provided for this process. As for the Turkic tribes from whom the modern-day Azerbaijani community is descended, they began to arrive in Transcaucasia between the eleventh and thirteenth centuries of the Common Era.[5] They appeared in Nagorny Karabakh only in the last third of the eighteenth century[6] and never constituted more than 3 to 4 per cent of the population, right up to the incorporation of Nagorny Karabakh into Azerbaijan in 1921.

The largest wave of migration to Transcaucasia by a Turkic-speaking population occurred, however, at the end of the nineteenth century. It is appropriate to cite, in this connection, some data from Azerbaijani history. "In 1897, the Azerbaijani population in the territory of Baku and Elizavetopol *gubernii* numbered about 1 million persons. However, according to data that are far from complete, from 1880, the number of seasonal workers from the north-western provinces of southern Azerbaijan alone was between 30,000 and 35,000 persons per year. In reality, there were far more: many seasonal workers did not obtain consular arrival certificates or passports and crossed the frontier illegally. The districts of Velkidzh and Ardebil alone each provided almost 20,000 seasonal workers per year, that is one person on average from every peasant homestead. The majority of seasonal workers from southern Azerbaijan settled in enterprises in Baku".[7] It turns out that, according to data that are far from complete, out of 1 million Azerbaijanis living in Baku and Elizavetopol *gubernii*, at least 600,000 (60 per cent) had come from the territory of Iran, beginning in 1880. In fact, the number is even higher, as Azerbaijani academics themselves confirm. The very name "Azerbaijan", as applied to the territory of modern-day Azerbaijan, appeared only in 1918, when the "Musavat" party, which had come to power in Baku, was pursuing the goal of legitimizing its subsequent claims to the contiguous provinces of Iran (western and eastern Azerbaijan). The ethnic classification "Azerbaijanis" appeared only in the 1930s. Prior to this, they were referred to as "Caucasian Tatars" or "Turks" in all Russian and Soviet sources.

Armenians and Azerbaijanis during the period of the Soviet Union

Azerbaijan's version

The leaders of the Soviet Union conducted a policy of deporting Azerbaijanis. "With the help of Soviet Russia, Zangezur and a number of other Azerbaijani lands were declared the territory of Armenia. Through a decision by the leaders of the USSR, who were carrying out a policy of discrimination against the Turkic Muslim

[4] *Istoria Azerbaidjana (v 3-kh tomakh)* edited by the academicians I. A. Guseinov, A. S. Sumbatzade and others, Publishing House of the Academy of Sciences of the Azerbaijan SSR, Baku, 1960, vol. 2 – "*Ot prisoedinenica Azerbaijana k Rossii do fevralskoy burzhuazno-demokraticheskoy revolyutsii 1917 goda*", pp. 22-23.

[5] *Istoria Azerbaidjana*, 1958, vol. 1 – "*Sdrevneishikh vremen do prisoedinenia Azerbaijana k Rossii*", pp. 140, 170-172, 202 and 204.

[6] Ibid., p. 337.

[7] *Istoria Azerbaidjana*, vol. 2, pp. 253, 261 and 262.

republics, Armenians achieved the mass deportation of Azerbaijanis from their historical lands during the period from 1948 to 1953 at the State level".[8]

The facts

In 1918, Armenia became an independent republic. Its territory at that time comprised approximately 60,000 square kilometres.[9] Subsequently, the Bolsheviks and Turkey, having imposed on Armenia the Moscow Treaty of 1921, dismembered it, whereby Azerbaijan was given considerable territory, including Nakhichevan together with the contiguous districts. Having also seized Nagorny Karabakh from Armenia, the Bolsheviks reduced the territory of Armenia to 29,800 square kilometres. In addition, "in terms of national composition, the population in Armenia is considerably more homogenous than in Georgia and Azerbaijan. According to the 1922 census, Armenians constitute 85.98 per cent, Turkic and Persian peoples together — 9.8 per cent, and Russians — 2.45 per cent. National minorities lived scattered throughout Armenia and taken together do not exceed 19 per cent in any *uyezd*. The predominant nationality, in contrast to Georgia and Azerbaijan, is represented in the cities to a larger degree, than in villages: Armenians in the cities constitute 91.7 per cent of the population, and in villages 84.7 per cent".[9] In addition, "the civil war during the period 1917-1920, which to a considerable extent was complicated in Azerbaijan by the national factor, led to significant displacements of the population tending mainly to reduce the size of national minorities. Thus, for example, the Russian population diminished from 200,000 in 1913 to 120,000 in 1921. The same mass displacement also occurred among the Armenian population, which earlier constituted rather large islands along the general Turkic population, numbering overall 73,526 persons in the Shemakha, Geokchai, Agdash, Nukhi, Sheki *uyezds*; by 1921 of them there remained a total of 12,716 persons".[10]

History of the origin of the conflict

Azerbaijan's version

> "This conflict arose in connection with territorial claims concerning Azerbaijan on the part of Armenia, which was attempting to seize and annex part of the land that has been Azerbaijani since time immemorial — Nagorny Karabakh. It began in 1988, when Armenia and Azerbaijan were still Union Republics within the Soviet Union. However, as a result of the unjust position taken by the leaders of the Soviet Union with regard to Azerbaijan and, possibly, also an unwillingness to avert the conflict, it developed further and expanded into a war. I should like to point out that, in 1921, the Azerbaijani Government granted the Nagorny Karabakh region of Azerbaijan the status of an autonomous region, and it enjoyed all the rights of autonomy. Therefore, there were no objective reasons for the start of this conflict."[11]

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[8] Address by the President of Azerbaijan, Heydar Aliyev, to the Azerbaijani people, *Bakinsky rabochy*, 30 March 2000, p. 1.

[9] *Bolshaya Sovetskaya Entsiklopediya*, vol., III, section on the Armenian SSR, 1926, p. 419.

[10] Ibid., vol. I, section on the Azerbaijani SSR, 1926, p. 642.

[11] Statement of the President of the Republic of Azerbaijan, Mr. Heydar Alivey, made at the meeting of the Secretary of State of the United States of America, Mr. Colin Powell, with the Presidents of the Republic of Azerbaijan and the Republic of Armenia and the co-chairs of the Organization for Security and Cooperation in Europe (OSCE) Minsk Group in Key West, Florida, on 3 April 2001.

The facts

The League of Nations included the question of Nagorny Karabakh on the agenda of the Paris Peace Conference, basing its decision, inter alia, on the 1919 Agreement between the National Council of Nagorny Karabakh and the Government of Azerbaijan, in which the parties agreed that the question of Nagorny Karabakh must be resolved at the Paris Peace Conference.[12] On the very next day after the establishment of Soviet power in Armenia, Azerbaijan twice — on 30 November and then 1 December 1920 — declared its refusal to put forward any claims to all disputed territories, including Nagorny Karabakh. On 4 July 1921, at the plenary session of the Caucasus Bureau of the Russian Communist Party, a proposal by the Azerbaijani side to include Nagorny Karabakh within Azerbaijan was rejected, and a decision was taken to include Nagorny Karabakh in Armenia. It was decided to hold a plebiscite only in Nagorny Karabakh. However, on 5 July 1921, under pressure from Stalin a plenary session of the Caucasus Bureau adopted, without discussion and a vote, a resolution under which Nagorny Karabakh was included in Azerbaijan. Precisely this illegal decision taken without lawful authority by a regional party organ of the Bolsheviks and adopted without taking any account of the will of the Karabakh population, to this day enables the leaders of Azerbaijan to impart legitimacy to their claims to Karabakh and other Armenian territories.

Prior to 1988, the question of reuniting Karabakh with Armenia was raised in the 1920s, 1940s and 1960s. Throughout the entire period in which Nagorny Karabakh was part of Azerbaijan that Republic's authorities conducted a discriminatory policy, which became particularly pronounced when Heydar Aliyev came into power. "One can state without exaggeration that, only after Heydar Aliyev assumed the leadership of Azerbaijan, the Karabakh Azerbaijanis felt that they were the complete masters of the area. In the 1970s, considerable work was being carried out there. All this led to an influx into Nagorny Karabakh of the Azerbaijani population from surrounding districts — Lachin, Agdam, Djebrail, Fizuli, Agjabedi and others. All these measures, carried out thanks to the foresight of the First Secretary of the Central Committee of the Communist Party of Azerbaijan, Heydar Aliyev, favoured the influx of the Azerbaijani population. Whereas in 1970 the proportion of Azerbaijanis in the population of the Nagorny Karabakh Autonomous Region amounted to 18 per cent, in 1979 it was 23 per cent, and in 1989 it exceeded 30 per cent".[13] From 1926 to 1980, 85 Armenian villages (30 per cent) and not a single Azerbaijani village had disappeared in Nagorny Karabakh. Between the censuses from 1970 to 1979, the size of the Armenian population in the Nagorny Karabakh Autonomous Region had increased by 1.7 per cent (2,000 persons), while the number of Azerbaijanis had increased by 37 per cent (10,000 persons). Over a period of 40 years (1939-1978), the number of Azerbaijanis in the Nagorny Karabakh Autonomous Region had increased 2.6 times, while the number of Armenians had diminished by 7.3 per cent. In 20 years (1959-1979), the number of Azerbaijanis in Armenia had increased by 49 per cent, while the number of Armenians in Azerbaijan had grown by only 7.5 per cent. The rate of natural increase of the population in the Nagorny Karabakh Autonomous Region was one of

[12] "*League of Nations*", *Records of the First Assembly*, Meetings of Committee II, Geneva, 1920, pp. 173 and 174; "*K istorii obrazovania Nagorno-Karabakhskoy Avtonomnoy Oblasti Azerbaijanskoy SSR (1918-1925)*", documents and materials, Baku, 1989, pp. 23-25.

[13] Minister for Foreign Affairs of Azerbaijan, Ramil Ulsubov, "*Nagorny Karabakh, missia spasenia nachinalas b 70-e gody*", *Panorama*, 12 May 1999.

the highest in the USSR. Accordingly, in 1955, it constituted 25.1 per 1,000 inhabitants, in 1956 — 28.8, and in 1961 — 32.[14] The Armenian population completely disappeared in various regions of Azerbaijan, particularly in the Nakhichevan Autonomous Republic.

Azerbaijan's chauvinistic policy was accompanied by the destruction of Armenian historical and cultural monuments throughout the territory of Azerbaijan. A glaring example of this was the Dadivank Monastery in the Kelbajar district. "The local Muslim population regarded it as a remnant of the Armenian Christian religion and destroyed it as much as it could. I appealed at the time — this was in the middle of the 1980s — to the First Secretary of the Kelbajar district committee requesting him to halt the destruction of monuments. The reply that I heard is something that disturbs me even now: 'What is this Armenian monastery have to do with you?'"[15]

The legal side of the Karabakh conflict

Azerbaijan's arguments to the effect that Nagorny Karabakh belongs to it are unconvincing also from the legal point of view. When the Azerbaijan Republic was recognized by the international community in 1992, Nagorny Karabakh was not part of it. On 10 December 1991, the people of Nagorny Karabakh, in compliance with all the laws of the USSR in effect at that time and the norms of international law, including the USSR Law on the procedure for deciding questions related to the secession of a Union Republic from the USSR, which was adopted on 3 April 1990 and gives the right to autonomous entities and nationalities concentrated in specific areas to decide independently the question of their State legal status in cases involving the secession of a Union Republic from the Soviet Union, expressed their desire for independence in a referendum with the presence of international observers on 30 August 1991, the Supreme Council of Azerbaijan declared the restoration of the State independence of the Azerbaijani Republic of 1918-1920. Nagorny Karabakh, however, was not part of the independent Azerbaijani Republic of 1918-1920, which was confirmed by the League of Nations. Nagorny Karabakh was transferred by Soviet power to Azerbaijan. Nevertheless, official Baku, having adopted the Constitutional Act on the State Independence of the Azerbaijani Republic on 18 August 1991, declared the illegality of the establishment of Soviet power and rejected the Soviet legal and political legacy. In doing so, Baku itself in fact recognized as illegal the 70-year-long forceful retention of Nagorny Karabakh within the Azerbaijani SSR.

25 April 2000

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[14] *"Dostizhenia Sovetskogo NK za 40 let v tsifrakh"*, statistical collection, Stepanakert, 1963, p. 39.

[15] Haji Iskander, *"Lel kala — takaya blizkaya i takaya nedosyagalmaya krepost"*, *Vyskha* No. 10, pp. 16-23, March 2000.

United Nations A/56/65

General Assembly

Distr.: General
2 May 2001

Original: English

Fifty-sixth session
Items 19 and 105 of the preliminary list*

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations

Report of the Secretary-General

1. At its fifty-fifth session, the General Assembly adopted resolution 55/139 of 8 December 2000 concerning the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations. In paragraph 16 of that resolution, the Assembly requested the Secretary-General to continue to assist the specialized agencies and other organizations of the United Nations system in working out appropriate measures for implementing the relevant resolutions of the United Nations and to prepare for submission to the relevant bodies, with the assistance of those agencies and organizations, a report on the action taken in implementation of the relevant resolutions, including resolution 55/139, since the circulation of his previous report.

2. In a letter dated 22 February 2001, the Secretary-General brought the text of the resolution to the attention of the executive heads of the following specialized agencies and other international organizations and invited them to submit the information requested for inclusion in the report referred to in the above paragraph:

International Labour Organization

Food and Agriculture Organization of the United Nations

* A/56/50.

01-35836 (E) 240501

United Nations Educational, Scientific and Cultural Organization

International Civil Aviation Organization

World Health Organization

World Bank

International Monetary Fund

Universal Postal Union

International Telecommunication Union

World Meteorological Organization

International Maritime Organization

World Intellectual Property Organization

International Fund for Agricultural Development

United Nations Industrial Development Organization

International Atomic Energy Agency

World Trade Organization

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Office of the High Commissioner for Human Rights/Centre for Human Rights

United Nations Office for Drug Control and Crime Prevention

Economic Commission for Latin America and the Caribbean

Economic and Social Commission for Asia and the Pacific

United Nations Conference on Trade and Development

Division for Transnational Corporations and Investment of the United Nations Conference on Trade and Development

United Nations Development Programme

United Nations Environment Programme

Office of the United Nations High Commissioner for Refugees

United Nations Children's Fund

World Food Programme

United Nations Institute for Training and Research

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Association of South-East Asian Nations

Caribbean Community

Caribbean Development Bank

League of Arab States

Pacific Islands Forum

Organization of Eastern Caribbean States

Organization of African Unity

Organization of American States

3. Summaries of the replies received from the international organizations concerned in response to the above-mentioned letter will be given in document E/2001/57.

4. Summaries of additional replies received, together with such further information as may become available on relevant activities undertaken by the organizations concerned during the year, will be circulated in addenda to the present report.

5. In addition, the Secretary-General transmitted the text of the resolution to the various departments and other units of the Secretariat. Information received in that regard will also be circulated in addenda to the present report.